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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,345	12/22/2000	Hans A. Lichtfuss	10002593-1	9781

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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Fort Collins, CO 80527-2400

EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 03/10/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,345

Applicant(s)

LICHTFUSS, HANS A.

Examiner

Heather D Gibbs

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 3, 7-19 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 20 and 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2622

DETAILED ACTION

*Response to Amendment*

1. The amendment filed on 01/14/04 has been entered and made of record. Claims 3,7-19, and 21-24 have been cancelled. Claims 27-38 are newly added.

*Response to Arguments*

2. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the display module 12 of Ma is not visible when the display frame is in its close position. Upon further consideration the Examiner finds that the display module is visible when the display frame is in its close position. Examiner points Applicant's attention to Fig 3 wherein the display module 12 is shown while the display frame 31 is in its close position. See also Col 2 Lines 36-47. In addition, Applicant argues that *scanning is carried out by moving the scanning mechanism 34 on the rails 33 relative to the document. In Ma, thus, the document is not moved relative to the device while a scan takes place, but rather the document is stationary and the scanning mechanism moves.* Upon further consideration, Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition defines the term relative as "in connection with." The Examiner finds that the photosensor array 34 moves in connection with the document or object in present.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2622

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,4-6,20,25-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma (US 6,078,407).

Regarding claim 1, which is representative of claims 20, 29 and 34, Ma teaches of a device comprising: a frame 31; a lid 2 moveably attached to said frame, said lid being movable between a closed position and an open position; a display 12 mounted to said lid, a photo sensor array 34, and wherein said display is visible when said lid is in said closed position. (Fig 3; Col 1 Lines 65-57; Col 2 Lines 1-2, 9-19).

Considering claim 2, Ma teaches of a lid, which is hingedly attached to said frame. (Col 1 Lines 65-67-Col 2 Lines 1-2).

Regarding claim 4, Ma teaches wherein said device is a digital picture frame device (Fig 1).

Considering claims 5-6 and 31-32, Ma teaches wherein said photo sensor array is CIS or CCD photo sensor array (Col 2 Lines 18-20).

Regarding claim 25, Ma teaches a method comprising displaying at least a portion of said image of said object on said display (Col 2 Lines 28-47).

Considering claim 26, Ma teaches a method comprising displaying at least of portion of said display while said first data set is being generated (Col 2 Lines 28-47).

Regarding claims 27,30 and 35-36, Ma teaches wherein said photosensor array is moveable relative to said display (Col 2 Lines 42-47).

Considering claim 28, Ma teaches wherein the photosensor array is at least partially located within said frame (Fig 1; Ref 34).

Regarding claim 33, Ma teaches wherein the photosensor array is a two-dimensional photosensor array (Fig 1; Ref 34).

Considering claim 37, Ma teaches wherein said scanning causes an image of said object to be generated; and displaying at least a portion of said image of said object on said display (Col 2 Lines 28-47).

Regarding claim 38, Ma teaches wherein said displaying at least a portion of said image occurs when said scanning is taking place (Col 2 Lines 28-47).

#### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2622


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg

  
Heather D Gibbs  
Examiner  
Art Unit 2622

  
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SUPERVISORY PATENT EXAMINER  
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